UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,211	08/30/2001	Per Magne Hoff	032868-005	8840

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EXAMINER
GENACK, MATTHEW W

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-14_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-14_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 August 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _13 June 2002_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 5-6, 12, and 14 are rejected under 35 U.S.C. 102(e) as being

anticipated by Maruyama *et. al.*

Regarding Claim 1, Maruyama *et. al.* discloses a procedure for processing

messages according to a user's wishes at a message processing apparatus in a

communication system (Abstract, Column 1 Lines 6-14, Column 2 Lines 25-33). Said

procedure includes the step of receiving a message having header information that

indicates said message's type (regarding said message's content, sender's identity,

etc.) (Column 9 Lines 20-29). It is determined whether or not the frequency of message

managing operations associated with the receipt of messages by the user's information

terminal, said messages having a predetermined characteristic, exceeds a threshold

(Column 6 Line 33 to Column 7 Line 8). Messages having a certain characteristic may

be handled normally (retained) if they are received at a frequency below a threshold,

and deleted if they are received at a frequency above a said threshold (Column 30

Lines 9-56, Fig. 36).

Regarding Claim 5, Maruyama *et. al.* discloses the use of a plurality of message

processing procedures (each procedure with a corresponding frequency threshold)

(Column 6 Line 33 to Column 7 Line 8). Therefore, the receipt of a plurality of message

types can be handled with a second (or third, fourth, etc.) threshold in the manner

disclosed.

Regarding Claim 6, Maruyama *et. al.* discloses a procedure for processing

messages according to a user's wishes at a message processing apparatus in a

communication system (Abstract, Column 1 Lines 6-14, Column 2 Lines 25-33). Said

procedure includes the step of receiving a message from another user having header

information that indicates said message's type (regarding said message's content,

sender's identity, etc.) (Column 9 Lines 20-29). The message switching apparatus

comprises a message processing procedure table (Column 4 Lines 5-13, Fig. 11); after

the header information is checked, and a logical condition is satisfied (that is, the

information element is known), the particular message is handled normally (that is, it is

sent to the specified destination) (Column 13 Lines 31-55). It is determined whether or

not the frequency of message managing operations associated with the receipt of

messages by the user's information terminal, said messages having a predetermined

characteristic, exceeds a threshold (Column 6 Line 33 to Column 7 Line 8). Messages

having a certain characteristic may be handled normally (retained) if they are received

at a frequency below a threshold, and deleted if they are received at a frequency above

a said threshold; also, messages of a predetermined type may be deleted (and

messages not of this type may be saved) (Column 30 Lines 9-56, Fig. 36).

Regarding Claims 12 and 14, Maruyama *et. al.* discloses the use of a plurality of

message processing procedures (each procedure with a corresponding frequency

threshold) (Column 6 Line 33 to Column 7 Line 8). Therefore, the receipt of a plurality

of message types can be handled with a second (or third, fourth, etc.) threshold in the

manner disclosed.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Maruyama *et. al.* in view of Lupien *et. al.*, U.S. Patent No. 6,463,055.

Regarding Claims 2 and 7, Maruyama *et. al.* discloses every limitation of Claims

1 and 6, upon which Claims 2 and 7 depend, respectively, as outlined above.

Maruyama *et. al.* does not expressly disclose the handling of situations whereby

the a SGSN is re-started.

Lupien *et. al.* discloses an integrated ANSI-41 and General Packet Radio Service

Network (GPRS) (Abstract, Column 5 Lines 3-4). Procedures for the Serving General

Packet Radio Service Support Node's (SGSN) handling of various situations, including

SGSN detaches and switch offs, are disclosed (Column 33 Lines 37-43, Column 34

Lines 6-18 and 30-42, Fig. 12).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Maruyama *et. al.* by providing for the procedures of said invention to be performed after a switch off and switch on of a SGSN.

One of ordinary skill in the art would have been motivated to make this modification so as to ensure the smooth transition of information transfer after a SGSN re-start, namely, to avoid redundant information transfers and to avoid the loss of information intended for a given user.

Claim 3 depends on Claim 2. Maruyama *et. al.* additionally discloses the use of predicate logical equations, associated with messages, in the execution of the procedure for message switching involving comparisons to a threshold (Column 2 Lines 40-54, Column 3 Lines 17-31, Column 10 Lines 38-52).

5.   Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama *et. al.* in view of Ekman *et. al.*, U.S. Patent No. 5,960,355.

Maruyama *et. al.* discloses every limitation of Claims 1 and 6, upon which Claims 4 and 8 depend, respectively, as outlined above.

Maruyama *et. al.* does not expressly disclose the handling of situations whereby the BSS is re-started. Furthermore, Regarding Claim 8, Maruyama *et. al.* additionally discloses the use of predicate logical equations, associated with messages, in the execution of the procedure for message switching involving comparisons to a threshold (Column 2 Lines 40-54, Column 3 Lines 17-31, Column 10 Lines 38-52).

Ekman *et. al.* discloses a method pertaining to a wireless telecommunication

system (Abstract, Column 5 Lines 18-30, Fig. 1). Procedures for handling the restart of

a radio base station are disclosed (Column 9 Line 66 to Column 10 Line 13, Fig. 4).

At the time that the invention was made, it would have been obvious to one of

ordinary skill in the art to modify the invention of Maruyama *et. al.* by providing for the

procedures of said invention to be performed after a restart of the BSS.

One of ordinary skill in the art would have been motivated to make this

modification so as to ensure the smooth transition of information transfer after a SGSN

re-start, namely, to avoid redundant information transfers and to avoid the loss of

information intended for a given user.

6.   Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Maruyama *et. al.* in view of Wilhelmsson *et. al.*, U.S. Patent No. 6,898,425, and Hjelm

et. al.

Maruyama *et. al.* discloses every limitation of Claim 6, upon which Claims 9-10

depend, as outlined above.

Maruyama *et. al.* does not expressly disclose the practice of basing the threshold

on available SGSN processing resources.

Wilhelmsson *et. al.* discloses a method in a communication network whereby an

interface between a SGSN and a BSS is configured (Abstract, Column 1 Lines 43-47).

It is disclosed that the SGSN frees memory for storing new data (Column 12 Lines 44-

55, Column 14 Lines 5-13). Hjelm *et. al.* discloses a telecommunication system,

comprising a control node and a base station node, for packet data services (Abstract,

Column 2 Lines 41-59). The CPU load is taken into account in the processing of GPRS

traffic (Column 11 Lines 4-16, Fig. 4C).

At the time that the invention was made, it would have been obvious to one of

ordinary skill in the art to modify the invention of Maruyama *et. al.* by providing for the

determination of the threshold by factoring in the amount of free memory and the CPU

load of the SGSN.

One of ordinary skill in the art would have been motivated to make this

modification because the SGSN's available processing resources are a determinant of

the most efficient way to process system messages at any given time.

7.   Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Maruyama *et. al.* in view of En-Seung *et. al.*, U.S. Patent No. 6,892,306.

Maruyama *et. al.* discloses every limitation of Claims 6 and 12, the former upon

which Claim 11 depends, and both upon which Claim 13 depends, as outlined above.

Maruyama *et. al.* does not expressly disclose the use of an encrypted header.

En-Seung *et. al.* discloses a digital cryptograph and encryption process used in

the context of a digital content transmission system (Abstract, Column 4 Lines 46-51).

The invention may be used with wireless communication systems (Column 6 Lines 37-

53, Fig. 2). En-Seung *et. al.* discloses the use of an encrypted header field along with

an unencrypted header field (Column 12 Lines 38-67, Figs. 12-13).

At the time that the invention was made, it would have been obvious to one of

ordinary skill in the art to modify the invention of Maruyama *et. al.* by providing for a

message that may have a second header that may be encrypted, and if the message

frequency is below the threshold and the second header is not encrypted, handling the message in the normal way, and if the second header is encrypted, deleting the message associated with said second header.

One of ordinary skill in the art would have been motivated to make this modification because of the necessity of adequately dealing with messages that may either be malicious or not intended for the receiving party.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Genack whose telephone number is 571-272-7541. The examiner can normally be reached on FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Genack

Examiner

Art Unit 2645

Matthew Genack

13 June 2005

ROLAND G. FOSTER
PRIMARY PATENT EXAMINER
6/13/05